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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/053,436	<b>Applicant(s)</b> O'BRIEN ET AL.	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the application filed on 17 January 2002.

Claims 1-35 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5,867,821; hereinafter Ballantyne), in view of Joao (6,283,761; hereinafter Joao).

(A) As per claim 1, Ballantyne discloses an interactive system for providing information to patients in a medical setting comprising:

- (1) at least one video display unit located within a medical setting (Ballantyne: abstract; col. 2, lines 12-15; Fig. 1-12B);
- (2) a list of available programs for viewing by a patient (Ballantyne: abstract; col. 8, line 65-col. 10, line 9; Fig. 1-12B);
- (3) a manual device for entering a program number selected from said list by said patient (Ballantyne: abstract; col. 8, line 65-col. 10, line 9; Fig. 1-12B); and
- (4) an electronic device containing a plurality of video files connected to said at least one video display so that a program selected by said patient using said manual device is provided by said electronic device to said at least one video display unit (Ballantyne: abstract; col. 8, line 65-col. 10, line 9; Fig. 1-12B).

Ballantyne, however, fails to expressly disclose an interactive system for providing information to patients in a medical setting comprising:

- (5) means for changing and updating said video files on said electronic device.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system for providing information to patients in a medical setting comprising:

- (5) means for changing and updating said video files on said electronic device  
(Joao: abstract; col. 16, line 4-col. 20, line 39; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(B) As per claim 2, Ballantyne fails to expressly disclose an interactive system according to claim 1, wherein said changing and updating means is external to said medical setting.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 1, wherein said changing and updating means is external to said medical setting (Joao: abstract; col. 16, line 4-col. 20, line 39; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

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(C) As per claim 3, Ballantyne fails to expressly disclose an interactive system according to claim 1, wherein said changing and updating means is internal to said medical setting.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 1, wherein said changing and updating means is internal to said medical setting (Joao: abstract; col. 16, line 4-col. 20, line 39; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(D) As per claim 4, Ballantyne discloses an interactive system according to claim 1, wherein said electronic device maintains a log of each program selected by said viewer (Ballantyne: abstract; col.6, line 66-col. 7, line 1; Fig. 1-12B).

(E) As per claim 5, Ballantyne fails to expressly disclose an interactive system according to claim 4, wherein said changing and updating means comprises means for accessing data in said log maintained by said electronic device.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 4, wherein said changing and updating means comprises means for accessing data in said log

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maintained by said electronic device (Joao: abstract; col. 16, line 4-col. 20, line 39; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(F) As per claim 6, Ballantyne discloses an interactive system according to claim 4, further comprising said changing and updating means communicating with said electronic device via a satellite link (Ballantyne: abstract; col. 6, lines 47-57; Fig. 1-12B).

(G) As per claim 7, Ballantyne fails to expressly disclose an interactive system according to claim 4, further comprising said changing and updating means communicating with said electronic device via at least one of a telephone line and a terrestrial line.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 4, further comprising said changing and updating means communicating with said electronic device via at least one of a telephone line and a terrestrial line (Joao: abstract; col. 3, lines 45-53; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of

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providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(H) As per claim 8, Ballantyne fails to expressly disclose an interactive system according to claim 4, wherein said changing and updating means comprises an electronic device located at a location remote from said medical setting.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 4, wherein said changing and updating means comprises an electronic device located at a location remote from said medical setting (Joao: abstract; col. 3, line 33-col. 4, line 5; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(I) As per claim 9, Ballantyne discloses an interactive system according to claim 1, wherein said plurality of video files on said electronic device include video programs about healthcare information (Ballantyne: abstract; col. 1, line 65-col. 2, line 62; Fig. 1-12B).



The Examiner has noted insofar as claim 9 recites "at least one of medical news, medical illustrations, product education, medical conditions and healthcare information," healthcare information has been recited.

(J) As per claim 10, Ballantyne fails to expressly disclose an interactive system according to claim 9, wherein at least some of said video programs contain advertisements for medical products and instructions for taking such medical products.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 9, wherein at least some of said video programs contain advertisements for medical products and instructions for taking such medical products (Joao: abstract; col. 16, line 33-col. 20, line 39; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(K) As per claim 11, Ballantyne discloses an interactive system according to claim 1, wherein said list of available programs comprises an on-screen display of said available programs (Ballantyne: abstract; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

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(L) As per claim 12, Ballantyne discloses an interactive system according to claim 1, further comprising a user interface containing said list of available programs and said manual device (Ballantyne: abstract; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(M) As per claim 13, Ballantyne discloses an interactive system according to claim further comprising said manual device comprising a remote control device having a keypad, touchpad, mouse or keyboard (Ballantyne: abstract; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(N) As per claim 14, Ballantyne discloses an interactive system according to claim 1, further comprising said at least one video display unit comprising at least one television monitor located within a patient examining room in said medical setting (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; Fig. 1-12B).

(O) As per claim 15, Ballantyne discloses an interactive system according to claim 1, further comprising said at least one video display unit comprising at least one television monitor located within a hospital (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; Fig. 1-12B).

(P) As per claim 16, Ballantyne fails to expressly disclose an interactive system according to claim 1, further comprising said at least one video display unit comprising at least one television monitor located in a pharmacy setting.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses an interactive system according to claim 1, further comprising said at least one video display unit comprising at least one television monitor located in a pharmacy setting (Joao: abstract; col. 23, line 60-col. 24, line 11; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

(Q) As per claim 17, Ballantyne discloses an interactive system according to claim 14, wherein said medical setting has a plurality of patient examining/consultation rooms and said system includes a television monitor in each of said examining/consultation rooms (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(R) As per claim 18, Ballantyne discloses an interactive system according to claim 17, further comprising each said television monitor being connected to said electronic device (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

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(S) As per claim 19, Ballantyne discloses an interactive system according to claim 1, further comprising a plurality of video display units in said medical setting and said electronic device having a capability to provide the same program content to each of said video display units (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(T) As per claim 20, Ballantyne discloses an interactive system according to claim 1, wherein said list of available programs comprises a list of channels and a program associated with each of said channels (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(U) As per claim 21, Ballantyne discloses an interactive program according to claim 1, wherein said manual device comprises a device for generating an infrared signal and said at least one video display unit has means for receiving said infrared signal and for transmitting said infrared signal to said electronic device (Ballantyne: abstract; col. 1, line 65-col. 2, line 63; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(V) As per claim 22, Ballantyne discloses an interactive system according to claim 1, having an automatic turn-on feature and an automatic turn-off feature (Ballantyne: abstract; col. 8, lines 60-64; Fig. 1-12B).

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(W) Claims 23-29 are substantially similar in scope to claims 1-18 and therefore, are rejected on the same basis as those claims.

As per the limitation in claim 29 reciting "a portable electronic device," Ballantyne discloses the use of a portable electronic device (Ballantyne: abstract; col. 8, line 65-col. 10, line 27; Fig. 1-12B).

(X) Claims 33-34 are substantially similar in scope to claims 1-18 and therefore, are rejected on the same basis as those claims.

(Y) As per claim 35, Ballantyne fails to expressly disclose a method according to claim 34, further comprising utilizing said gathered information to compute an amount due from at least one of advertisers and sponsors.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses a method according to claim 34, further comprising utilizing said gathered information to compute an amount due from at least one of advertisers and sponsors (Joao: abstract; col. 6, line 65-col. 7, line 7; Fig. 1-15B).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Ballantyne with the motivation of providing an apparatus and a method for processing and/or for providing healthcare-related information (Joao: col. 8, lines 3-7).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches an all care health management system (5,301,105); an automated and interactive telecommunications system (6,249,809); an Internet audio channel selection system (6,381,314); and a method and apparatus for distribution of movies (5,133,079).

The cited but not applied prior art also includes non-patent literature articles by Greenman, Catherine. ("Patients To Get Web At Bedside" Nov 9, 2000. New York Times. pg. G.12.); PR Newswire. ("ProxyMed to Launch Handheld Version of Its Healthcare Portal for The Windows-Powered Pocket PC Platform" Apr 20, 2000. pg. 1.); and Peterson, Richard. ("Creating Competitive Advantage Through Information Technology" Nov 1990. Trustee. Vol. 43, Iss. 11. pg. 10.).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



C. LUKE GILLIGAN  
PATENT EXAMINER